

**EPA**

**NPDES Compliance Inspection Report**

Section A: National Data System Coding

Transaction Code		NPDES										yr/mo/day						Inspection Type		Inspector		Fac Type						
1	N	2	5	3	T	X	S	0	0	0	9	0	1	1	2	0	7	2	6	17	18	M	19	R	20			
21 S I C 9 1 1 1																												
Inspection Work Days		Facility Evaluation Rating				BI		QA		-----Reserved-----																		
67						69						71	N	72	N	73												80

Section B: Facility Data



Name and Location of Facility Inspected <b>City of Fort Worth</b> 1000 Throckmorton Fort Worth, TX 76102		Entry Time/Date <b>0830/July 26, 2012</b>		Permit Effective Date <b>July 29, 2011</b>	
		Exit Time/Date <b>1600/July 26, 2012</b>		Permit Expiration Date <b>July 28, 2016</b>	
Name(s) of On-Site Representatives <b>Mr. Derek Senter</b>		Title(s) <b>Environmental Supervisor</b>		Phone Number(s) <b>(817)392-5454</b>	
Name, Address of Responsible Official <b>Mr. Fernando Costa</b> Assistant City Manager 1000 Throckmorton Fort Worth, TX 76102		Title <b>Assistant City Manager</b>			
		Phone Number <b>(817) 392-6122</b>		Contacted: YES <u>X</u> NO <u>      </u>	

Section C: Areas Evaluated During Inspection  
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	S	Storm Water	N	CSO/SSO (Sewer Overflow)
S	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
N	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	N	Operations & Maintenance	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

The City of Fort Worth Phase I MS4 (construction component) was evaluated on this inspection. The city has developed and implemented their deliverables in the construction program and is doing an excellent job of tracking, inspecting, and insuring that construction sites of one acre or more, or less than an acre (if part of a larger common plan) are in compliance with Fort Worth Ordinances and the TCEQ's SWCGP.

Name(s) and Signature(s) of Inspector(s) <b>Everett H. Spencer</b> 		Agency/Office/Telephone <b>USEPA / Region 6 / 214-665-8060</b>		Date <b>9/26/2012</b>	
Signature of Reviewer <b>Diana McDonald</b> 		Agency/Office <b>USEPA/Region 6/214-665-7495</b>		Date <b>9/26/2012</b>	

101912

**National Pollutant Discharge Elimination System (NPDES)  
Large Municipal Separate Storm Sewer System (MS4) Program  
Inspection**

**TXS000901  
City of Fort Worth, Texas**

**July 26, 2012**

**Prepared by EPA Region 6**

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## **I. BACKGROUND**

The City of Fort Worth, Texas, encompasses nearly 300 square miles of urbanized area with a population of 741,206 as of the 2010 Census. The NPDES Large Municipal Separate Storm Sewer System (MS4) permit (TXS000901) currently in effect was issued by the Texas Commission on Environmental Quality (TCEQ) and is in effect from July 29, 2011, to July 28, 2016. The current permit is a reissuance of a previously issued MS4 Phase I Permit. The City has two co-permittees: Texas Department of Transportation, Ft. Worth District, (TXDOT), and Tarrant Regional Water District. Under the current permit, the SWMP should be followed as developed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the TCEQ. The SWMP should be revised and updated as necessary.

## **II. EXECUTIVE SUMMARY**

An inspection of the MS4 construction inspection component of the Fort Worth MS4 program was conducted on July 26, 2012, with representatives from the City and the EPA Audit/Inspection Team in attendance.

The opening meeting began with introductions, an overview of the agenda and an explanation of the EPA inspection process. After a thorough review of documentation obtained from the City of Fort Worth, interviews with the environmental staff, of the Environmental Services Division, and a checklist provided by the Inspection Team, it was determined that the permittee had developed, implemented, and revised a SWMP that was technically and administratively complete. The Storm Water Management Program (SWMP) and the 2010-2011 Annual Report, along with the findings in this inspection confirm that the city has achieved all measurable goals, implemented, and revised the program through the differing permit periods to a high degree of satisfaction.

Additionally, the EPA Storm Water Inspectors, Diana McDonald and Everett Spencer, accompanied the Fort Worth Construction Inspectors, Eric Mason and Dennis Kuhloff, to two separate construction sites and observed the city inspectors during their inspections. Mr. Mason and Mr. Kuhloff handled themselves very professionally and decisively, and were very knowledgeable about the Fort Worth MS4 Program requirements and MS4 Ordinances.

Upon completion of the Inspection, the Team gave a brief summary of preliminary findings and thanked all involved parties for their cooperation.

## **III. INSPECTION FINDINGS**

| See attached Construction Checklist.

#### **IV. RECOMMENDATIONS**

The two construction inspectors the city has are doing an excellent job of inspecting construction sites and insuring their compliance. If and when construction increases it may be necessary to add another construction inspector to their staff to avoid burnout of the present staff and insure that all construction sites are inspected. Cross training another person in the construction inspection area should be discussed.

#### **V. LIST OF ATTENDEES**

T.C. Michael	Environmental Management Department	817-392-5455
Derek Senter	Environmental Management Department	817-392-5454
Dennis Kuhloff	Environmental Management Department	817-392-6083
Eric Mason	Environmental Management Department	817-392-5456
Clarence Reed	Environmental Management Department	817-392-6107
Michael A. Gange	Environmental Services Division	817-392-6569
Diana McDonald	EPA Region 6-SW Enforcement	214-665-7495
Everett H. Spencer	EPA Region 6-SW Enforcement	214-665-8060



## MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) INSPECTION

**Date of Inspection:** July 26, 2012

**MS4 Permit No.:** TXS000901

### Section I: GENERAL INFORMATION

**Control Authority Name:** City of Ft. Worth  
**Mailing Address:** 1000 Throckmorton  
 Ft. Worth, TX

**Permit Signatory:** Mr. Fernando Costa

**Title:** Assistant City Manager

**Phone:** 817-392-6122

**Fax No.**

**E-mail:**

### MS4 Contacts:

NAME	TITLE	PHONE NO.
TC Michael	Environmental Program Manager	817-266-6151 or 817-392-5455
Dennis Kohloff	Senior Environmental specialist/Storm Water Inspector	817-999-7935
Eric Mason	Senior Environmental specialist/Storm Water Inspector	817-392-5456
Derek Sentes	Environmental Supervisor	817-392-5454
Clarence Reed	Environmental Supervisor	817-392-6107
Michael Gange	Assistant Director	817-392-6569

### Enforcement Inspector(s):

NAME	SIGNATURE	PHONE NO.
Diana McDonald		214-665-7495
Everett Spencer		214-665-8060

### Section II: LEGAL AUTHORITY, ORDINANCES

1. What legal authority does the permittee have to require ESC BMPs on construction sites and to ensure compliance?	FW Municipal Ordinance Chapter 12.5 gives the city the legal right to require an ESC ( at a minimal) and require a SWPPP and permit compliance with TCEQ's SWCGP.
2. Does permittee's legal authority address storm water quality for all projects disturbing at least one acre?	Yes.
3. What exemptions does ordinance or other legal authority allow?	Under an acre and not part of a larger common plan is not required to obtain SW coverage but the city strives to inspect all sites.



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4. Does legal authority authorize permittee to require ESC plans?	Yes-The city requires an ISWIM model ESC.
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### Section III: CONSTRUCTION SITE INVENTORY

1. How does permittee track construction projects?	Through an Access database known as the Construction Database. Kept by the Environmental Management Division.
2. What information is collected?	See data sheet-from site description and NOI
3. Does inventory include construction sites disturbing less than 1 acre?	Only includes one acre or more unless part of a larger common plan of development.
4. What is threshold for tracking projects?	One acre or more or part of a larger common plan
5. Does inventory track which sites have submitted an NOI for coverage under state/EPA CGP?	Yes-required for plan review
6. How is inventory updated? How often?	Starting August 1, 2012, through the grading permit a SWPPP will be required of all applicants.
7. Does permittee prioritize projects for more frequent or targeted inspections? If yes, on what criteria?	Yes for citizen complaints or chronically noncompliant sites.

### Section IV: CONSTRUCTION REQUIREMENTS AND BMPS

1. What technical guidance (e.g., BMP manual or fact sheets) does permittee use as standard for design and selection of nonstructural and structural construction BMPs?	The ISWIM Construction Manual-Tech Manual
a. Are project applicants required to follow these technical manuals?	Not required, only that the Permittee comply with the TCEQ SWCGPermit.
b. Does guidance set minimum O&M requirements for BMPs?	Yes in the ISWIM Manual
c. Does guidance include installation requirements for BMPs?	Yes in the ISWIM Manual
d. Does guidance provide proper siting and use criteria for BMPs to ensure	Yes see the ISWIM Manual



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adequate BMPs are being selected and implemented?	
2. Does permittee provide guidance as to preferred BMPs to be used?	No-not if the BMP works.
3. Does permittee have different requirements or standards for different times of the year (rainy vs dry)?	No, no seasonal requirements.
<b>Section V: PLAN REVIEW PROCEDURES</b>	
1. Does permittee hold pre-application meetings on construction projects? If yes, are stormwater and ESC requirements addressed?	City has predevelopment process and pre-construction meetings are held if requested.
2. Is there any plan review coordination with other city departments such as smart growth, redevelopment, traffic engineering, etc?	The process involves all departments over the life of the construction process/project.
3. What is permittee's threshold for plan review? (For example, does the permittee review plans for all projects disturbing >1 acre, or do they use another threshold?)	One acre or more for plan review.
4. Does permittee apply standard conditions that incorporate ESC requirements into plan review process?	The city requires compliance with the TCEQ permit (normally an ESC is part of the SWPPP).
5. Do plan reviewers verify whether project applicant has submitted NOI to state/EPA? Is evidence of NOI submission required before a plan can be approved or local permit issued?	No they only look for the NOI to the city. On August 1, 2012, the city will require an NOI and check for submission to the TCEQ.
6. Do plan reviewers use specific criteria or checklist when reviewing plans?	Yes-see comprehensive SWPPP checklist.
7. When reviewing plans were	See SW Worksheet for Construction
a. There adequate BMPs included on plans, details, and drawings for the installation of certain BMPs when applicable, types of standard conditions or notes included, or specific maintenance requirements?	Yes





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b. There automatic returns of inadequate or incomplete plans and were these returns accompanied by explanation of what is needed for approval?	Yes
c. BMPS addressing other construction activities (e.g. materials storage and waste disposal) incorporated into construction plans?	Yes
d. Notes included in plans addressing prohibition of non-stormwater discharges?	Yes
e. Comments provided by permittee to project proponent reasonable and appropriate?	Yes

### Section VI: CONSTRUCTION SITE INSPECTIONS

1. Does permittee adequately inspect all phase of construction?	Yes-once a month if it times out like that
a. Clearing and grubbing and site preparation	Yes
b. Mass grading and public infrastructure/utility construction	Yes
c. Building construction and final grading	Yes
d. Final stabilization	Yes
2. What departments are charged with ESC inspections? Is the department responsible based on location of site (i.e., right-of-way vs building site) or phase of development (i.e., grading vs building)?	Department of Public Works- Environmental Management Division
3. Do inspectors use checklist or inspection form during each inspection?	Yes-See Construction Inspection Checklist
4. How many inspectors does permittee use to verify ESC compliance at	2-Eric Mason and Dennis Kuhloff



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construction sites?	
5. Does this number appear adequate to assess active construction occurring in permitted area? Compare this to total number of construction sites that need to be inspected at any one time (number of inspections per construction site per year). Consider project durations and phasing, local conditions (e.g., dry vs wet seasons) and additional duties assigned to inspectors.	The universe is at 300 sites at this moment. Two inspectors are adequate right now.
6. How often are sites inspected?	Monthly on average.
7. Does permittee target inspections during and immediately after wet weather events? If so what size rain event triggers an inspection? How soon after a rain event?	Typically no-only problem sites.
8. Is there an established rainy season for the area? Are sites inspected prior to start of rainy season to determine preparedness?	No.
<b>Section VII: PROGRAM SUPPORT AND RESOURCES</b>	
Does program have a dedicated source of funding to support plan review staff and inspectors?	Yes a .50 cent environmental fee on water bills.
<b>Section VIII: ENFORCEMENT</b>	
1. What types of enforcement actions are provided for in applicable ordinances (e.g., notices of violation, "stop work" orders, fines)?	The city has the authority to issue citations, NOVs, stop work orders (SWOs), Compliance Orders, and show cause orders.
2. Is use of these actions outlined in an established, escalating enforcement policy?	Yes- in the city of Ft. Worth Ordinances Chapter 12.5
3. Does permittee maintain statistics on enforcement of construction site erosion and sediment controls?	Yes and these are in the annual reports.
a. How many enforcement actions are	Verbal-1169, NOV-17, Citations-17 from the 2010-2011 Annual Report



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taken per year?	
b. Are follow-up inspections conducted to verify compliance?	Yes-follow up is conducted at least monthly or every 14 days depending on the site.
4. Are there limitations on permittee's enforcement authority (e.g., limits on the dollar amount of fines, inability to issue civil penalties)?	Yes, the citation is the preferred tool and has a max of \$2000.
5. Do staff feel that their enforcement authority is adequate to achieve compliance on construction projects?	Yes
6. What is the relationship with the City Attorney or other relevant prosecuting authority?	The city enjoys a good relationship with the city attorneys office.
7. Does permittee have an enforcement escalation process / policy?	Yes-see Chapter 12.5 of the Ordinances.
8. Were enforcement files reviewed? What was included in the files?	No. A data base and files on job sites are in dedicated SW files.

### Section IX: TRAINING AND EDUCATION - Staff

1. What type of training do construction inspectors receive? Are plan reviewers trained on erosion and sediment control BMPs and requirements?	The inspectors receive NTCOG training, EPA Inspector Training, attend MS4 conferences, and attend TCEQ Inspector Training Workshops yearly.
2. How often is training conducted? How many staff have been trained?	Annually with 4 or 5 staff attending.
3. What type of follow-up is conducted by the permittee to verify that the training is effective?	N/A

### Section X: TRAINING AND EDUCATION – Construction operator education

1. What types of educational materials have been developed and distributed to construction operators?	The City uses generic flyers, TCEQ and COG informational hand out educational material, and city of Ft. Worth specific flyers.
2. How are they distributed? At the permit desk? During inspections?	At the permit desk and during inspections.
3. What type of training does the	Mostly COG events and the City inspectors train as they inspect.



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permittee provide or advertise to local construction operators?	
4. How often is this training conducted? How many construction site operators have been trained?	N/A
5. Are contractors and developers required to attend?	No
6. Does the training cover any of the following?	
a. Local and state erosion and sediment control requirements and permits?	Yes
b. Proper erosion and sediment control BMP design and installation?	Yes
c. Maintenance requirements for BMPs?	Yes in the ISWIM Manual
d. General construction stormwater permit requirements (state or federal)?	Yes
7. Are training sessions held in cooperation with other local permittees or regional authorities?	Generally no.

### Section XI: PUBLIC CONSTRUCTION PROJECTS

1. Do RFPs or contracts include language specifying stormwater requirements:	
2. Are inspection and maintenance requirements specified in the contract?	Yes-the contractor is required to comply with the TCEQ SWCGP.
3. What oversight does permittee implement to ensure the contractor is implementing all requirements appropriately and adequately?	Plans and specs are reviewed via the grading permit (NOI now required as of Aug 1, 2012). Also Dennis and Eric (SW Inspectors) include the city owned projects in their construction inspection schedules.
4. What penalties are in place to require compliance from the permittee's	Same as for other builders/contractors/earth movers in the city-See Chp 12.5 of the FW Ordinances.



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contractors?	
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Notes or additional information: none	
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EPA Inspector(s) observations: The inspection team accompanied the FW SW Inspectors to the field for a SW inspection. Both Dennis and Eric were very competent and performed thorough inspections.